

EXHIBIT A

04-26-22 12:31 FROM- Law Firm
FILED by Macomb County Circuit Court
4/26/2022

2483585646

J-273 P0006/0010 F-105

2022-001596-NI
JOHNSON, MARIA

STATE OF MICHIGAN
IN THE CIRCUIT COURT OF THE COUNTY OF MACOMB

MARIA JOHNSON,

Plaintiff,

GLEN R MEYER,
FAIR EXCAVATING CO LTD,

Defendants.

CASE NO.: 22- 001596-NI
HON. MATTHEW SABAUGH

STEVEN R. ZANG, (P45095)
MATTHEW M. THOMAS, (P78740)
LUXON & ZANG, P.C.
Attorney for Plaintiff
29777 Telegraph Road, Suite 2631
Southfield, Michigan 48034
(248) 358-9909; (248) 358-5646 – Fax
mthomas@luxonzangpc.com

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this court.

/s/ Matthew M. Thomas
Matthew M. Thomas

PLAINTIFF'S COMPLAINT

NOW COMES Plaintiff Maria Johnson, by and through her attorneys, LUXON & ZANG, P.C., and for her Complaint against the above-named Defendants, states as follows:

1. Plaintiff Maria Johnson is a resident of the City of Harper Woods, County of Wayne, State of Michigan.

2. Defendant Glen R Meyer, by all information and belief, is and was a resident of the City of Dunnville, Ontario, Canada.

3. Defendant Fair Excavating Co LTD, by all information and belief, conducts business in the City of St. Clair Shores, in the County of Macomb, in the State of Michigan.

4. That the incident which gives rise to this litigation occurred in the City of St. Clair Shores, in the County of Macomb, State of Michigan.

5. That the amount in controversy exceeds \$25,000.

GENERAL ALLEGATIONS

6. Plaintiff hereby restates and re-alleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

7. On or about April 26, 2019, Plaintiff Maria Johnson was a passenger in a vehicle that was traveling on eastbound I-94 near or at 9 Mile when his vehicle was struck by a 2011 PTRB CON, VIN #1XPWD40X6BD122407 driven by Defendant Glen R Meyer and owned by Defendant Fair Excavating Co LTD.

8. As a result of the April 26, 2019 automobile accident, Plaintiff sustained the injuries and losses as described below.

COUNT I:
NEGLIGENCE AS TO DEFENDANT GLEN R MEYER

9. Plaintiff hereby restates and re-alleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

10. On or about April 26, 2019, Defendant Glen R Meyer owed a duty to Plaintiff to operate his vehicle with due care and caution and to obey the statutes of the State of Michigan, as well as the adopted ordinances within the City of St. Clair Shores, then and there applicable to the operation of a motor vehicle, and to obey the common law of the State of Michigan applicable to said statutes, and that

notwithstanding such duties, Defendant Glen R Meyer did violate same, wherein said negligence, and/or gross negligence did consist of more particularly, as follows:

- a. To operate the motor vehicle on the roadway in a manner and at a rate of speed that would permit it to be stopped within a safe distance, MCL 257.627(1);
- b. Not to operate the vehicle carelessly and heedlessly with willful and wanton disregard for the safety and rights of others, MCL 257.626(2);
- c. To keep the automobile constantly under control;
- d. To attempt to stop the vehicle when Defendant knew or should have known that failure to do so would naturally and probably result in injury to each Plaintiff;
- e. To observe the highway in front of Defendant's vehicle when Defendant knew or should have known that failure to observe Plaintiff's oncoming vehicle would endanger the life or property of other persons using the roadway;
- f. That Defendant was negligent in entering the intersection in violation of the red traffic signal then and there applicable to said vehicle, all in violation of MCLA 257.611, MCLA 257.612 and Michigan Common Law;
- g. In other ways not yet fully known. Plaintiff reserve his right to amend this Complaint as necessary and allowed.

11. As a direct and proximate result of the negligence of Defendant Glen R Meyer, Plaintiff sustained the serious injuries and losses as described below.

WHEREFORE, Plaintiff hereby prays that this Court enter a Judgment against Defendant Glen R Meyer in an amount found to be due, plus statutory interest from the date the amount fell due, plus the costs and reasonable attorney fees.

COUNT II:
OWNERSHIP LIABILITY AS TO DEFENDANT FAIR EXCAVATING CO LTD

12. Plaintiff hereby restates and re-alleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

13. That for all times relevant herein, Defendant Fair Excavating Co LTD was the owner of the above-mentioned 2011 PTRB CON, driven by Defendant Glen R Meyer, within the meaning of MCLA 257.401.

14. That as the owner of said vehicle, Defendant Fair Excavating Co LTD owned the same duty to Plaintiff, as did the Defendant driver, and that notwithstanding such duties, Defendant owner, Fair Excavating Co LTD, did violate same in the manner previously alleged resulting in the damages and losses previously alleged.

15. The negligent acts of Defendant Fair Excavating Co LTD, as outlined above, are an actual and proximate cause of Plaintiff's severe injuries, as alleged below.

WHEREFORE, Plaintiff hereby prays that this Court enter a Judgment against Defendant Fair Excavating Co LTD in an amount found to be due, plus statutory interest from the date the amount fell due, plus the costs and reasonable attorney fees.

DAMAGES

16. Plaintiff hereby restates and re-alleges each and every allegation contained in the foregoing paragraphs as if fully set forth herein.

17. As a direct and proximate result of the breach of Defendants' duties, the collision occurred and Plaintiff sustained the following injuries and losses:

- a. Injuries to her neck and right shoulder;
- b. Psychological and emotional injuries;
- c. Pain and suffering, past, present and future;
- d. Serious impairment of bodily functions;
- h. Other injuries yet unknown.

WHEREFORE, Plaintiff respectfully asks the Court to award damages against the Defendants in whatever amount Plaintiff is found to be entitled to in excess of Twenty-Five Thousand (\$25,000.00) Dollars, plus interest cost and attorney fees.

04-26-'22 12:32 FROM- Law Firm

2483585646

T-273 P0010/0010 F-105

Respectfully Submitted,
LUXON & ZANG, P.C.

/s/ Matthew M. Thomas
MATTHEW M. THOMAS (F78740)
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29777 Telegraph Road, Suite 2631
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Dated: April 26, 2022

FILED by Macomb County Circuit Court

4/26/2022 12:30 FROM- Law Firm

2483585846

T-273 P0002/0010 F-105

2022-001596-NI
JOHNSON, MARIA

Approved, SCAO		Original - Court 1st copy - Defendant	2nd copy - Plaintiff 3rd copy - Return
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		SUMMONS	CASE NO. 22- 001596-NI
Court address 40 N. Main St., Mt. Clemens, MI 48043		Court telephone no. 586-469-7171	
Plaintiff's name(s), address(es), and telephone no(s). MARIA JOHNSON,		Defendant's name(s), address(es), and telephone no(s). FAIR EXCAVATING CO LTD.,	
Plaintiff's attorney, bar no., address, and telephone no. STEVEN R. ZANG (P43095) MATTHEW M. THOMAS (P78740) 29777 Telegraph Rd., Ste. 2631 Southfield, MI 48034 248-358-9909			

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. Attached is a completed case inventory (form MC 21) listing those cases.
- ☒ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8036.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.108(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☐ this court, ☐ _____ Court, where it was given case number _____ and assigned to Judge _____.
- The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 4/26/2022	Expiration date 7/26/2022	Court clerk <i>Anthony G. Forlini</i>
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*This summons is invalid unless served on or before its expiration date. This document must be signed by the seal of the court.

MC 01 (8/10) SUMMONS

[s/ ANTHONY G. FORLINI]
MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105

01/19/2022

04-26-'22 12:30 FROM- Law Firm

2483585646

T-273 P0003/0010 F-105

PROOF OF SERVICE

SUMMONS	
Case No. 22-	NI

TO PROCESS SERVER: You are to serve the summons and complaint not later than 81 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

<input type="checkbox"/> OFFICER CERTIFICATE	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER
I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)		Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with _____
 List all documents served with the summons and complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Fee \$	TOTAL FEE \$	Signature _____
Incorrect address fee \$	Miles traveled \$	Fee \$		Name (type or print) _____
				Title _____

Subscribed and sworn to before me on _____ Date _____ County, Michigan.

My commission expires: _____ Date _____ Signature: _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____ Day, date, time

Signature _____ on behalf of _____